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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,462	01/13/2000	Per S. Andersen	0459-0391P	7006

7590 04/25/2002

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EXAMINER

CHAMPAGNE, DONALD

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/25/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/482,462

Applicant(s)

ANDERSEN ET AL.

Examiner

Donald L. Champagne

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as obvious over by Witek et al. in view of NEXPO '97.
3. Witek et al. teaches (independent claims 1 and 19) a system and method for advertisement sales and management, the system comprising (Fig. 1) data storage and database means 20, retrieval means 14, processing means 16 and 26, and a number of workstations (computer terminals 22), one or more being adapted to entering advertisement orders (col. 5 lines 28-31), the database and data processing means being adapted to store and manage data relating to an advertising customer (user), order, medium or media, schedule, contents and presentation elements (col. 5 lines 28-31; col. 56 lines 8-10; col. 48 line 14; col. 46 lines 7-9; and col. 42 lines 10-16); defining the advertisement on the basis of entered order data (col. 8 lines 60-61); the system and method thereby supporting entry, sale and management of ads in several media (col. 56 lines 8-10) based on entry of a single advertising order.
4. Witek et al. does not teach entry, sale and management of several related ads based on entry of a single advertising order. NEXPO '97. teaches reusing content (pp. 27 of 40, first full para.), which reads on entry, sale and management of several related ads based on entry of a single advertising order. Because this convenience would encourage advertising in more media, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of NEXPO '97 with those of Witek et al. Witek et al. does not teach (claim 23) editing and re-storing the ad contents and presentation elements. However, this is inherent to the NEXPO '97 teaching of content reuse.
5. Witek et al. also teaches claims 2-5, 7, 9 and 20-22 at the locations indicated above. Witek et al. also teaches: (claims 11 and 12) that the customer agrees with the price of the ad,

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determined dynamically at the time of the order (col. 56 lines 25-31); (claims 14 and 15) the Internet (title); and (claims 16 and 17) a GUI related to a target media (Fig. 8-10, description beginning at col. 23 line 44).

6. Witek et al. does not teach the presentation element limitations of claim 6, but since the reference does teach formatting the presentation for the user (col. 42 lines 15-16), at least some of these presentation element limitations must be inherent.
7. Witek et al. does not teach (claim 8) that the physical presentation of the ad is established on the basis of data relating to contents. NEXPO '97. teaches observing content-related restrictions (pp. 13 of 40, last full para.), which reads on establishing the physical presentation of the ad on the basis of data relating to contents. Because advertisers would be very displeased if content-related restrictions were not maintained, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of NEXPO '97 with those of Witek et al.
8. Witek et al. does not teach (claim 10) determining price of the ad based on attributes associated the ad. However, the reference does teach presenting the user with rate information (col. 56 line 26). Official notice is taken (MPEP § 2144.03) that it was common, at the time of the instant invention, to determine price of an ad based on attributes such as its size on colors. Because it is expedient to accept common practices, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to determine the price of the ad based on attributes associated the ad.
9. Witek et al. does not teach (claim 18) modifying the GUI without modifying binary code. The reference invention uses GUI for the user menus (Fig. 8-10, description beginning at col. 23 line 44). Because these menus differ for each participating newspaper (col. 6 lines 22-23) and can be expected to require frequent changes, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modifying the GUI without modifying binary code.
10. Witek et al. does not teach (claims 13 and 24) a WYSIWYG editor. Because it is ideal for modifying the user menus (para. 9 above), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide a WYSIWYG editor.

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Conclusion

11. The references made of record and not relied upon are considered pertinent to applicant's disclosure. Speicher teaches some aspects of the instant invention.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 703-308-3331. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications may be sent directly to the examiner at 703-746-5536.
13. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular official communications and 703-872-9327 for After Final official communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9235.
14. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, www.uspto.gov. At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.



Donald L. Champagne
Examiner
Art Unit 2162

24 April 2002